

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANTIAGO JAMES CHAVEZ JR.,

Plaintiff,

v.

SONYA DIXON,

Defendant.

No. 2:24-cv-2491 DJC AC P

ORDER

Plaintiff, a state prisoner proceeding without an attorney, filed a civil rights action pursuant to 42 U.S.C. § 1983, along with a request to proceed in forma pauperis (“IFP”). ECF Nos. 1, 2. However, plaintiff did not sign either document. On October 21, 2024, plaintiff was ordered to re-file a signed complaint and signed affidavit in support of his IFP request within thirty days. ECF No. 6. On December 9, 2024, after the deadline passed, this court issued findings and recommendations recommending that this action be dismissed without prejudice. ECF No. 7. Plaintiff was given fourteen days to file objections. Id. at 1-2.

On January 2, 2025, plaintiff filed a notice with the court stating that he tried to e-file the signed complaint and signed IFP in compliance with the court order, but the law librarian at High Desert State Prison told him he needed to mail it in. ECF No. 8 at 2. Plaintiff states that he did send it out. Id. He also states that he received the court’s findings and recommendations while on lockdown and hopes the court will reconsider its decision because he did comply with the

1 court order. Id.

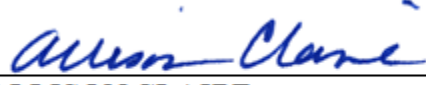
2 Because it appears plaintiff attempted to comply with the court order and the signed
3 documents have been lost, the court will withdraw its findings and recommendations and allow
4 the plaintiff to re-file, by mail, the signed complaint and IFP application.¹

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The Findings and Recommendations at ECF No. 7 are withdrawn.

7 2. **Within thirty days** from the date of this order, plaintiff shall **re-file a signed**
8 **complaint and signed and complete IFP application.** Plaintiff's failure to comply with this
9 order will result in a recommendation that this action be dismissed.

10 DATED: January 8, 2025

11 
12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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25 ¹ Plaintiff is informed that pursuant to the Standing Order Regarding Procedural Rules for
26 Electronic Submission of Prisoner Litigation Filed by Plaintiffs Incarcerated at Participating
27 Penal Institution only the initiating filings by plaintiff, such as the complaint and IFP application,
28 can be e-filed. After the initial filing, all other filings must be mailed. Re-filing the complaint
and IFP applications as directed by the court due to deficiencies in the initial filings is considered
a filing after the initial filing and therefore must be mailed.